

106TH CONGRESS
1ST SESSION

S. 1752

To reauthorize and amend the Coastal Barrier Resources Act.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 1999

Mr. CHAFEE (for himself, Mr. CRAPO, Mr. MOYNIHAN, and Mr. LIEBERMAN)
introduced the following bill; which was read twice and referred to the
Committee on Environment and Public Works

A BILL

To reauthorize and amend the Coastal Barrier Resources
Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal Barrier Re-
5 sources Reauthorization Act of 1999”.

6 **SEC. 2. DEFINITIONS.**

7 Section 3 of the Coastal Barrier Resources Act (16
8 U.S.C. 3502) is amended—

(1) by striking “For purposes of” and all that follows through the end of paragraph (1) and inserting the following:

“In this Act:

“(1) UNDEVELOPED COASTAL BARRIER.—

“(A) IN GENERAL.—The term ‘undeveloped coastal barrier’ means—

“(i) a geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

“(I) is subject to wave, tidal, and wind energies; and

“(II) protects landward aquatic habitats from direct wave attack; and

“(ii) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.

“(B) EXCLUSIONS.—The term ‘undeveloped coastal barrier’ excludes a feature or habitat described in subparagraph (A) if, as of the date on which the feature or habitat is added to the System—

“(i) the density for the unit in which the feature or habitat is located is equal to or greater than 1 structure per 5 acres of

1 land above the mean high tide, which
 2 structure—

3 “(I) is a walled and roofed build-
 4 ing (other than a gas or liquid storage
 5 tank) that is principally above ground
 6 and affixed to a permanent site, in-
 7 cluding a manufactured home on a
 8 permanent foundation; and

9 “(II) covers at least 200 square
 10 feet; or

11 “(ii) the feature or habitat contains
 12 infrastructure consisting of—

13 “(I) a road, to each lot or build-
 14 ing site, that is under the jurisdiction
 15 of, and maintained by, a public au-
 16 thority and is open to the public;

17 “(II) a wastewater disposal sys-
 18 tem for each lot or building site;

19 “(III) electric service for each lot
 20 or building site; and

21 “(IV) availability of a fresh water
 22 supply for each lot or building site.”;

23 (2) in paragraph (2), by striking “refers to the
 24 Committee on Merchant Marine and Fisheries” and
 25 inserting “means the Committee on Resources”; and

1 (3) in paragraph (3), by striking the second
2 sentence.

3 **SEC. 3. VOLUNTARY ADDITIONS TO COASTAL BARRIER RE-**
4 **SOURCES SYSTEM.**

5 (a) IN GENERAL.—Section 4 of the Coastal Barrier
6 Resources Act (16 U.S.C. 3503) is amended by adding
7 at the end the following:

8 “(d) ADDITIONS TO SYSTEM.—

9 “(1) IN GENERAL.—The Secretary may add a
10 parcel of real property to the System, if—

11 “(A) the owner of the parcel requests, in
12 writing, that the Secretary add the parcel to the
13 System; and

14 “(B) the parcel is a feature or habitat cov-
15 ered by section 3(1).

16 “(2) MAPS.—The Secretary shall—

17 “(A) keep a map showing the location of
18 each parcel of real property added to the Sys-
19 tem under paragraph (1) on file and available
20 for public inspection in the Office of the Direc-
21 tor of the United States Fish and Wildlife Serv-
22 ice and in such other offices of the Service as
23 the Director considers appropriate;

24 “(B) provide a copy of the map to—

1 “(i) the State in which the property is
2 located;

3 “(ii) the Committees; and

4 “(iii) the Federal Emergency Manage-
5 ment Agency; and

6 “(C) revise the maps referred to in sub-
7 section (a) to reflect each addition of real prop-
8 erty to the System under paragraph (1), after
9 publishing in the Federal Register a notice of
10 any such proposed revision.”.

11 (b) CONFORMING AMENDMENT.—Section 4(a) of the
12 Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is
13 amended by striking “which shall consist of” and all that
14 follows and inserting the following: “which shall consist
15 of those undeveloped coastal barriers and other areas lo-
16 cated on the coasts of the United States that are identified
17 and generally depicted on the maps on file with the Sec-
18 retary entitled ‘Coastal Barrier Resources System’, dated
19 October 24, 1990, as those maps may be modified, revised,
20 or corrected under—

21 “(1) subsection (c) or (d);

22 “(2) section 4 of the Coastal Barrier Improve-
23 ment Act of 1990 (16 U.S.C. 3503 note; Public Law
24 101–591); or

1 “(3) any other provision of law enacted on or
 2 after November 16, 1990, that specifically author-
 3 izes the modification, revision, or correction.”.

4 **SEC. 4. TECHNICAL AMENDMENTS.**

5 (a) IN GENERAL.—Sections 10 and 11 of the Coastal
 6 Barrier Resources Act (16 U.S.C. 3509, 96 Stat. 1658)
 7 are repealed.

8 (b) EFFECT ON PRIOR AMENDMENTS.—Nothing in
 9 subsection (a) or the amendments made by subsection (a)
 10 affects the amendments made by section 11 of the Coastal
 11 Barrier Resources Act (96 Stat. 1658), as in effect on the
 12 day before the date of enactment of this Act.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 The Coastal Barrier Resources Act is amended by
 15 striking section 12 (16 U.S.C. 3510) and inserting the fol-
 16 lowing:

17 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to the Sec-
 19 retary to carry out this Act \$2,000,000 for each of fiscal
 20 years 2001 through 2004 and \$3,000,000 for each of fis-
 21 cal years 2005 through 2007.”.

22 **SEC. 6. DIGITAL MAPPING PILOT PROJECT.**

23 (a) IN GENERAL.—

24 (1) PROJECT.—The Secretary of the Interior
 25 (referred to in this section as the “Secretary”) shall

1 carry out a pilot project to determine the feasibility
2 and cost of creating digital versions of the Coastal
3 Barrier Resources System maps referred to in sec-
4 tion 4(a) of the Coastal Barrier Resources Act (16
5 U.S.C. 3503(a)) (as amended by section 3(b)).

6 (2) MINIMUM NUMBER OF UNITS.—The pilot
7 project shall consist of the creation of digital maps
8 for at least 75 units of the Coastal Barrier Re-
9 sources System (referred to in this section as the
10 “System”), 25 of which shall be otherwise protected
11 areas (as defined in section 12 of the Coastal Bar-
12 rier Improvement Act of 1990 (16 U.S.C. 3503
13 note; Public Law 101–591)).

14 (b) DATA.—

15 (1) USE OF EXISTING DATA.—To the maximum
16 extent practicable, in carrying out the pilot project
17 under this section, the Secretary shall use—

18 (A) digital spatial data (including digital
19 orthophotos) in existence at the time at which
20 the project is carried out;

21 (B) shoreline, elevation, and bathymetric
22 data; and

23 (C) electronic navigational charts in the
24 possession of other Federal agencies, including
25 the United States Geological Survey and the

1 National Oceanic and Atmospheric Administra-
2 tion.

3 (2) PROVISION OF DATA BY OTHER AGEN-
4 CIES.—The head of a Federal agency that possesses
5 data or a chart referred to in paragraph (1) shall,
6 upon request of the Secretary, promptly provide the
7 data or chart to the Secretary at no cost.

8 (3) ADDITIONAL DATA.—If the Secretary deter-
9 mines that data or a chart necessary to carry out
10 the pilot project under this section does not exist,
11 the Secretary shall enter into an agreement with the
12 Director of the United States Geological Survey
13 under which the Director shall obtain, in cooperation
14 with other Federal agencies, as appropriate, and
15 provide to the Secretary the data or chart required
16 to carry out this section.

17 (4) DATA STANDARDS.—All data and charts
18 used or created to carry out this section shall comply
19 with—

20 (A) the National Spatial Data Infrastruc-
21 ture established by Executive Order 12906 (59
22 Fed. Reg. 17671 (1994)); and

23 (B) any other standards established by the
24 Federal Geographic Data Committee estab-

1 lished by the Office of Management and Budget
2 Circular A–16.

3 (c) DIGITAL MAPS NOT CONTROLLING.—Any deter-
4 mination as to whether a location is inside or outside the
5 System shall be made without regard to the digital maps
6 created under this section.

7 (d) REPORT.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date of enactment of this Act, the Secretary
10 shall submit to the Committee on Environment and
11 Public Works of the Senate and the Committee on
12 Resources of the House of Representatives a report
13 that describes the results of the pilot project and the
14 feasibility, data needs, and costs of completing dig-
15 ital maps for the entire System.

16 (2) CONTENTS.—The report shall include a de-
17 scription of—

18 (A) the cooperative agreements that would
19 be necessary to complete digital mapping of the
20 entire System;

21 (B) the extent to which the data necessary
22 to complete digital mapping of the entire Sys-
23 tem are available;

24 (C) the need for additional data to com-
25 plete digital mapping of the entire System;

1 (D) the extent to which the boundary lines
2 on the digital maps differ from the boundary
3 lines of the original maps; and

4 (E) the amount of funding necessary to
5 complete digital mapping of the entire System.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section \$500,000 for each of fiscal years 2001
9 through 2003.

10 **SEC. 7. ECONOMIC ASSESSMENT OF COASTAL BARRIER RE-**
11 **SOURCES SYSTEM.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary of the Interior
14 shall submit to the Committee on Environment and Public
15 Works of the Senate and the Committee on Resources of
16 the House of Representatives an economic assessment of
17 the Coastal Barrier Resources System.

18 (b) REQUIRED ELEMENTS.—The assessment shall
19 consider the past and estimated future savings of Federal
20 expenditures attributable to the Coastal Barrier Resources
21 Act (16 U.S.C. 3501 et seq.), including the savings result-
22 ing from avoidance of Federal expenditures for—

23 (1) disaster relief under the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act (42
25 U.S.C. 5121 et seq.);

1 (2) the national flood insurance program estab-
2 lished under chapter 1 of the National Flood Insur-
3 ance Act of 1968 (42 U.S.C. 4011 et seq.); and

4 (3) development assistance for roads, potable
5 water supplies, and wastewater infrastructure.

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